

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
)
) Criminal No. 1:22-cr-16
v.)
)
STEPHEN AMIR DERRY,)
)
)
Defendant.)

ORDER

This matter comes before the Court on the parties' Joint Motion for Restoration to Competency. Having considered the parties' Motion, the report of Sharon Kelley, Ph.D., dated May 6, 2022, and the record in this case,

The Court FINDS by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, pursuant to 18 U.S.C. § 4241(d). Accordingly, it is hereby

ORDERED that the parties' motion is GRANTED. It is further

ORDERED that, pursuant to 18 U.S.C. § 4241(d), the defendant is committed to the custody of the Attorney General to be hospitalized for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward. It is further

ORDERED that the United States Marshal Service shall transport the defendant to the Bureau of Prisons ("BOP") Federal Medical Center located in Butner, North Carolina, if space is available, or to a similar BOP facility, where an appropriate mental health professional can

perform psychiatric or psychological examination and treatment of the defendant for restoration of competency, pursuant to 18 U.S.C. §§ 4241(d)-(e). It is further

ORDERED that the time from April 5, 2022 (i.e. the date the Court ordered a competency evaluation) through the date of this Order finding the defendant incompetent to stand trial is excluded from the computation of time within which the defendant's trial must commence, pursuant to 18 U.S.C. § 3161(h)(1)(A). It is further

ORDERED that the time from the date of this Order until the Court finds the defendant restored to competency be excluded from the computation of time within which the defendant's trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(1)(A), (h)(1)(F), and (h)(4).

The Clerk is directed to forward copies of this Order to all counsel of record and to the United States Marshal Service.

May ___, 2022
Alexandria, Virginia